

**Meeting of the Central Valley Flood Protection Board  
September 19, 2008**

**Draft Staff Report  
DWR Floodway Protection Section**

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Item

Consider approval of Permit No. 18360 (Attachment A) to reconstruct and extend landside berms with earth and gravel fill, both landward and along the levee toe, so as to reduce seepage exit gradients along two reaches of the right (east) bank levee of the San Joaquin River.

Applicant

Reclamation District 17

Location

The project is located south of Stockton, east of I-5. (San Joaquin River, San Joaquin County, see Attachment B).

Description

To reconstruct and extend 2 landside berms, Area III is 5,400 linear feet and area VIb is 2,005 linear feet with earth and gravel fill, both landward and along the levee toe, so as to reduce seepage exit gradients along two reaches of the right (east) bank levee of the San Joaquin River.

Discussion

The project will consist of reconstructing and extending landside levee toe berms with earth and gravel fill to reduce seepage exit gradients to less than 0.5. US Army Corps of Engineers guidance specifies an exit gradient of not more than 0.5.

Agency Comments and Endorsements:

- The U. S. Army Corps of Engineers endorsement has not been received but is anticipated to be received prior to the September 19, 2008 Board meeting.
- Reclamation District No. 17 has endorsed this application.

Proposed CEQA Determination of Exemption:

Board staff has prepared the following CEQA determination:

Reclamation District 17 (RD 17), as lead agency under CEQA, approved the project (Levee Improvement Project – Reconstruction and Extending Landside Levee Toe Berms, San Joaquin County Clerk) on July 30, 2008 and determined that the project was statutorily and categorically exempt from CEQA under several exemptions as follows:

- Statutorily exempt (15261a) for maintenance of existing facilities as an ongoing project;
- Statutorily exempt (15269a) for repair, restoration or replacement of facilities damaged as a result of the 1997 Flood which was the subject of a state of emergency declaration by the Governor;
- Statutorily exempt (15269b) for emergency repairs to publicly owned facilities necessary to maintain service essential to the public health, safety and welfare;
- Statutorily exempt 15269(c) for work necessary to prevent or mitigate a flood emergency;
- Categorically exempt (15301) for repair of existing public facilities involving no expansion of use;
- Categorically exempt (15302) for reconstruction of existing facilities located on the same site with the same purpose and capacity.

RD 17's Notice of Exemption also states that work areas will be set back at least forty feet from any habitat of possible significance, that the area has been preliminarily reviewed by environmental consultants and will be further reviewed prior to construction with representatives of wildlife regulatory agencies to identify any areas to be excluded from project work.

The Board, acting as a responsible agency under CEQA, has reviewed the RD 17 determination and has independently determined that the project is statutorily or categorically exempt from CEQA under the following exemptions:

- Statutorily exempt (15269a) for repair, restoration or replacement of facilities damaged as a result of the 1997 Flood which was the subject of a state of emergency declaration by the Governor;

- Categorically exempt (15301) for repair of existing public facilities involving no expansion of use;
- Categorically exempt (15302) for reconstruction of existing facilities located on the same site with the same purpose and capacity.

### Section 8610.5 Compliance

1. Evidence that the Board admits into its record from any party, State or local public agency, or nongovernmental organization with expertise in flood or flood plain management:

The Board will make its decision based on the evidence in the permit application and attachments, this staff report, and any other evidence presented by any individual or group.

2. The best available science that related to the scientific issues presented by the executive officer, legal counsel, the Department or other parties that raise credible scientific issues.

The accepted industry standards for the work proposed under this permit as regulated by Title 23 have been applied to the review of this permit.

3. Effects of the decision on the entire State Plan of Flood Control:

This project has no effects on the State Plan of Flood Control.

4. Effects of reasonable projected future events, including, but not limited to, changes in hydrology, climate, and development within the applicable watershed:

None.

### Staff Recommendation

Staff recommends that the Board determine the project to be exempt from CEQA and to approve the permit.

### List of Attachments

- A. Permit
- B. Location maps and photos

**DRAFT**

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
**CENTRAL VALLEY FLOOD PROTECTION BOARD**

**PERMIT NO. 18360 BD****This Permit is issued to:**

Reclamation District 17  
1812 Burnside Way  
Stockton, California 95207

To construct two landside seepage berms along the right (east) bank levee of the San Joaquin River. The project is located south of Stockton, east of I-5 (Section 21,22, 27 , T1S&1N, R6E, MDB&M, San Joaquin County Flood Control and Water Conservation District and Reclamation District 17, San Joaquin River and French Camp Slough, San Joaquin County).

**NOTE:** Special Conditions have been incorporated herein which may place limitations on and/or require modification of your proposed project described above.

**(SEAL)**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Executive Officer**GENERAL CONDITIONS:**

**ONE:** This permit is issued under the provisions of Sections 8700 – 8723 of the Water Code.

**TWO:** Only work described in the subject application is authorized hereby.

**THREE:** This permit does not grant a right to use or construct works on land owned by the Sacramento and San Joaquin Drainage District or on any other land.

**FOUR:** The approved work shall be accomplished under the direction and supervision of the State Department of Water Resources, and the permittee shall conform to all requirements of the Department and the Central Valley Flood Protection Board.

**FIVE:** Unless the work herein contemplated shall have been commenced within one year after issuance of this permit, the Board reserves the right to change any conditions in this permit as may be consistent with current flood control standards and policies of the Central Valley Flood Protection Board.

**SIX:** This permit shall remain in effect until revoked. In the event any conditions in this permit are not complied with, it may be revoked on 15 day's notice.

**SEVEN:** It is understood and agreed to by the permittee that the start of any work under this permit shall constitute an acceptance of the conditions in this permit and an agreement to perform work in accordance therewith.

**EIGHT:** This permit does not establish any precedent with respect to any other application received by the Central Valley Flood Protection Board.

**NINE:** The permittee shall, when required by law, secure the written order or consent from all other public agencies having jurisdiction.

**TEN:** The permittee is responsible for all personal liability and property damage which may arise out of failure on the permittee's part to perform the obligations under this permit. If any claim of liability is made against the State of California, or any departments thereof, the United States of America, a local district or other maintaining agencies and the officers, agents or employees thereof, the permittee shall defend and shall hold each of them harmless from each claim.

**ELEVEN:** The permittee shall exercise reasonable care to operate and maintain any work authorized herein to preclude injury to or damage to any works necessary to any plan of flood control adopted by the Board or the Legislature, or interfere with the successful execution, functioning or operation of any plan of flood control adopted by the Board or the Legislature.

**TWELVE:** Should any of the work not conform to the conditions of this permit, the permittee, upon order of the Central Valley Flood Protection Board, shall in the manner prescribed by the Board be responsible for the cost and expense to remove, alter, relocate, or reconstruct all or any part of the work herein approved.

#### **SPECIAL CONDITIONS FOR PERMIT NO. 18360 BD**

**THIRTEEN:** Within three years from completion of construction of the work authorized under this permit, the permittee shall provide the Sacramento and San Joaquin Drainage District, acting by and through the Central Valley Flood Protection Board of the State of California, a fee interest or a permanent easement granting all flood control rights upon, over and across the property to be occupied by the existing and to-be-constructed seepage berms. The easement must include the area within ten (10) feet waterward of the waterward levee toe, the levee section, and the area ten (10) feet in width adjacent to the new and reconstructed berm toes which is not presently encumbered by a Central Valley Flood Protection Board easement. For information regarding existing Central Valley Flood Protection Board easements, and required easements please contact Linus Paulus at (916) 653-3947.

**FOURTEEN:** All work approved by this permit shall be in accordance with the submitted drawings and specifications except as modified by special permit conditions herein. No further work, other than that approved by this permit, shall be done in the area without prior approval of the Central Valley Flood Protection Board.

**FIFTEEN:** The permittee shall maintain the permitted encroachment(s) and the project works within the utilized area in the manner required and as requested by the authorized representative of the Department of Water Resources or any other agency responsible for maintenance.

**SIXTEEN:** The permittee shall contact the Department of Water Resources by telephone, (916) 574-1213, and submit the enclosed postcard to schedule a preconstruction conference. Failure to do so at least 10 working days prior to start of work may result in delay of the project.

**SEVENTEEN:** The permittee shall provide supervision and inspection services acceptable to the

## Central Valley Flood Protection Board.

EIGHTEEN: Within 120 days of completion of the project, the permittee shall submit to the Central Valley Flood Protection Board a certification report, stamped and signed by a professional engineer registered in the State of California, certifying the work was inspected and performed in accordance with the Central Valley Flood Protection Board permit conditions and submitted drawings and specifications.

NINETEEN: Within 120 days of completion of the project, the permittee shall submit to the Central Valley Flood Protection Board proposed revisions to the Corps of Engineers, Supplement to Standard Operation and Maintenance Manual, Lower San Joaquin River and Tributaries Project, Unit 2 and the associated "as-built" drawings for system alterations approved by this permit that are to be incorporated into the federal Lower San Joaquin River and Tributaries Project.

TWENTY: If FEMA certification of the levee by the Corps of Engineers is being considered, the project proponent should contact the U. S. Army Corps of Engineers regarding inspection of this project during construction for FEMA certification purposes.

TWENTY-ONE: The permittee shall contact the U. S. Army Corps of Engineers regarding inspection of the project during construction as the proposed work is an alteration to the existing Federal Flood Control Project that will be incorporated into the Lower San Joaquin River Flood Control Project, an adopted plan of flood control.

TWENTY-TWO: The Central Valley Flood Protection Board and Department of Water Resources shall not be held liable for any damages to the permitted encroachment(s) resulting from flood fight, operation, maintenance, inspection, or emergency repair.

TWENTY-THREE: The permittee may be required, at permittee's cost and expense, to remove, alter, relocate, or reconstruct all or any part of the permitted encroachment(s) if removal, alteration, relocation, or reconstruction is necessary as part of or in conjunction with any present or future flood control plan or project or if damaged by any cause. If the permittee does not comply, the Central Valley Flood Protection Board may remove the encroachment(s) at the permittee's expense.

TWENTY-FOUR: The permittee should contact the U.S. Army Corps of Engineers, Sacramento District, Regulatory Branch, 1325 J Street, Sacramento, California 95814, telephone (916) 557-5250, as compliance with Section 10 of the Rivers and Harbors Act and/or Section 404 of the Clean Water Act may be required.

TWENTY-FIVE: The permittee shall be responsible for repair of any damages to the project levee and other flood control facilities due to construction, operation, or maintenance of the proposed project.

TWENTY-SIX: The permittee is responsible for all liability associated with construction, operation, and maintenance of the permitted facilities and shall defend and hold harmless the State of California, or any departments thereof, from any liability or claims of liability associated therewith.

TWENTY-SEVEN: If the project, or any portion thereof, is to be abandoned in the future, the permittee or successor shall abandon the project under direction of the Central Valley Flood Protection Board and Department of Water Resources, at the permittee's or successor's cost and

expense.

TWENTY-EIGHT: Upon completion of the project, the permittee shall submit as-built drawings to: Department of Water Resources, Flood Project Inspection Section, 3310 El Camino Avenue, Suite LL30, Sacramento, California 95821.

TWENTY-NINE: No construction work of any kind shall be done during the flood season from November 1 to April 15 without prior approval of the Central Valley Flood Protection Board.

THIRTY: Cleared trees and brush shall be completely burned or removed from the project site.

THIRTY-ONE: The permitted encroachment(s) shall not interfere with operation and maintenance of the flood control project. If the permitted encroachment(s) are determined by any agency responsible for operation or maintenance of the flood control project to interfere, the permittee shall be required, at permittee's cost and expense, to modify or remove the permitted encroachment(s) under direction of the Central Valley Flood Protection Board or Department of Water Resources. If the permittee does not comply, the Central Valley Flood Protection Board may modify or remove the encroachment(s) at the permittee's expense.

THIRTY-TWO: During construction of the project, any and all anticipated or unanticipated conditions encountered which may impact levee integrity or flood control shall be brought to the attention of the Flood Project Inspector immediately and prior to continuation. Any encountered abandoned encroachments shall be completely removed or properly abandoned under the direction of the Flood Project Integrity and Inspection Branch Inspector.

THIRTY-THREE: The stability of the levee shall be maintained at all times during construction.

THIRTY-FOUR: The permittee shall be responsible for all damages due to settlement, consolidation, or heave from any construction-induced activities.

THIRTY-FIVE: All fencing, gates and signs removed during construction of this project shall be replaced in kind and at the original locations. If it is necessary to relocate and fence, gate or sign, the permittee is required to obtain written approval from the Central Valley Flood Protection Board prior to installation at a new location if not shown on the submitted drawings.

THIRTY-SIX: All temporary fencing, gates and signs shall be removed upon completion of project.

THIRTY-SEVEN: Fill on the levee slope shall be keyed into the existing levee section with each lift.

THIRTY-EIGHT: Backfill material for excavations within the levee section and the new berm fill shall be placed in 4- to 6-inch layers, moisture conditioned above optimum moisture content, and compacted to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

THIRTY-NINE: Density tests by a certified materials laboratory will be required to verify compaction of backfill within the levee section and new berm fill.

FORTY: Fill material shall be placed only within the area indicated on the approved plans.

FORTY-ONE: All fill material shall be imported impervious material with 20 percent or more passing the No. 200 sieve, a plasticity index of 8 or more, and a liquid limit of less than 50 and free of lumps or stones exceeding 3 inches in greatest dimension, vegetative matter, or other unsatisfactory material. Fill material shall be compacted in 4- to 6-inch layers to a minimum of 90 percent relative compaction as measured by ASTM Method D1557-91.

FORTY-TWO: The fill surface area shall be graded to direct drainage away from the toe of the levee.

FORTY-THREE: The project sites shall be restored to at least the condition that existed prior to commencement of work.

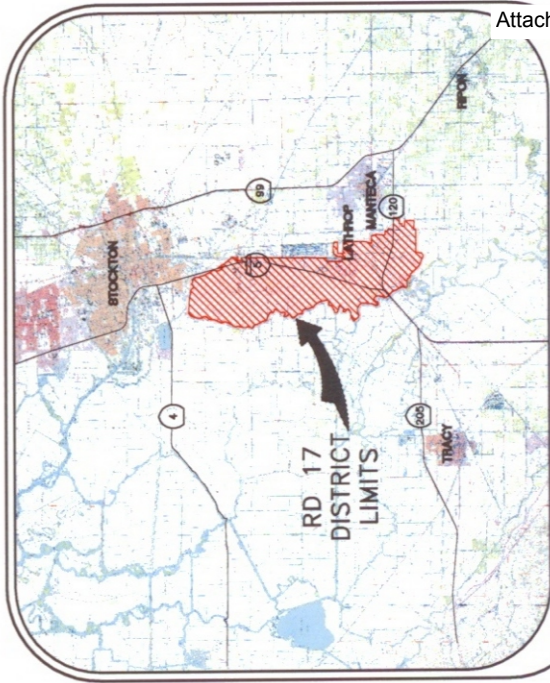
FORTY-FOUR: All debris generated by this project shall be disposed of outside the floodway and off the levee sections.

FORTY-FIVE: The permittee shall replant or reseed the levee slopes to restore sod, grass, or other non-woody ground covers if damaged during project work.

FORTY-SIX: Any additional encroachment(s) on the levee section or landward berms, require an approved permit from the Central Valley Flood Protection Board and shall be in compliance with the Central Valley Flood Protection Board's regulations (Title 23 California Code of Regulations).

FORTY-SEVEN: By acceptance of this permit, the permittee acknowledges the authority of the Central Valley Flood Protection Board to regulate all future encroachments along these levee reaches including those that may encroach upon alterations approved by this permit prior to incorporation into the federal Lower San Joaquin River Flood Control Project by the Corps of Engineers.





# VICINITY MAP

AREA III

PROJECT  
LIMITS

AREA VIb

**PROJECT SITE MAP**

